

Message Text

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SUBJECT: SENATE HEARINGS ON THE IMPLEMENTING LEGISLATION
FOR TREATIES ON EXECUTION OF PENAL SENTENCES.

1. ON JULY 13 AND 14, THE SENATE COMMITTEE ON THE
JUDICIARY SUBCOMMITTEE ON PENITENTIARIES AND CORRECTIONS
CHAired BY SENATOR BIDEN OF DELAWARE HELD HEARINGS ON THE
LEGISLATION SUBMITTED BY THE DEPARTMENT OF JUSTICE TO
IMPLEMENT THE TREATIES SIGNED WITH MEXICO AND CANADA.(S1682)

2. TESTIMONY WAS GIVEN BY SENATOR MATHIAS OF MARYLAND AND
SENATOR BENTSEN OF TEXAS BOTH OF WHOM ARE URGING POSITIVE
ACTION AND FAVORABLE CONSIDERATION OF THE TREATY AND THE
IMPLEMENTING LEGISLATION.

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3. STATEMENTS WERE MADE BY PETER FLAHERTY, DEPUTY ATTORNEY
GENERAL WHO EXPLAINED THE PURPOSE OF THE LEGISLATION AND
SCA ADMINISTRATOR BARBARA WATSON RECOMMENDING THAT THE
TREATIES BE RATIFIED AND JOINING WITH THE DEPARTMENT OF
JUSTICE IN URGING THE ENACTMENT OF S. 1682. PROF
BASSIOUNI ADDED HIS OPINIONS ON THE CONSTITUTIONAL AND

LEGAL PROBLEMS. LEGAL ADVISOR HANSELL APPEARED TO ANSWER QUESTIONS AND SUPPORT LEGISLATION.

4. WITNESS ON THE SECOND DAY INCLUDED FORMER PRISONERS, PARENTS, AND U.S. DISTRICT COURT JUDGES.

5. SENATOR BIDEN EMPHASIZED REPEATEDLY HIS TWO MAIN CONCERNS, (1) THE CONSTITUTIONALITY OF THE TREATY AND THE SAFEGUARDS PLACED IN THE IMPLEMENTING LEGISLATION AND (2) HIS FEARS OF POSSIBLE DAMAGE TO OUR BILATERAL RELATIONS CAUSED BY CHALLENGES TO CONSTITUTIONALITY AFTER THE RETURN OF THE FIRST PRISONERS.

6. AFTER THE HEARINGS WERE ADJOURNED, PROFESSOR BASSIOUNI CONTINUED TO DISCUSS THE MATTER WITH SENATOR BIDEN AT THE DAIS AND WAS JOINED BY A FEW STATE AND JUSTICE ATTENDANTS. BIDEN, THEN, REPEATED IN MORE DETAIL HIS CONCERN ABOUT THE ULTIMATE EFFECT OF THE PAROLE OF AMERICAN CONVICTS AFTER RETURNING TO THE UNITED STATES ON U.S.-MEXICO RELATIONS. BIDEN, AS A FORMER CRIMINAL LAWYER, FEELS SURE THAT THE TREATY WILL BE CHALLENGED ALMOST IMMEDIATELY AND THAT WE SHOULD BE PREPARED FOR AN ADVERSE COURT DECISION (AT LEAST A POSSIBILITY) AND SINCE SUCH A DECISION WOULD BE TANTAMOUNT TO SAYING TO MEXICO "YOUR FORM OF JUSTICE IS INFERIOR" BIDEN THINKS THIS WILL BE EXTREMELY GALLING TO MEXICO NO MATTER "WHAT STATE DEPARTMENT SAYS" AND THAT IT WILL BE SURE TO DO SEVERE HARM TO OUR BILATERAL RELATIONS. HOWEVER, HE ADDED, HE IS STILL LIMITED OFFICIAL USE

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IN FAVOR OF RATIFYING THE TREATY IN SPITE OF THIS DANGER AS HE WAS WHEN HE SPONSORED THE BILL. BOTH BIDEN AND BASSIOUNI STATED THAT "THE STATE DEPARTMENT IS WRONG" WHEN IT CLAIMS THAT THERE WILL NOT BE ANY HARMFUL REACTIONS TO THE IMPLEMENTATION OF THE TREATY. BIDEN LIKENED THE PAROLE HEARINGS TO A RE-SENTENCING PROCEDURE AND MAINTAINED THAT THERE WOULD DEFINITELY BE CHALLENGES TO MEXICAN CONVICTIONS DURING THESE HEARINGS. HE BELIEVES THIS WILL OFFEND THE MEXICAN PUBLIC AND GOVERNMENT AND THAT THE SUBSEQUENT PAROLES WHICH WOULD NOT HAVE BEEN ALLOWED IN MEXICO WILL BRING SEVERE CRITICISM FROM THE MEXICAN PUBLIC AND EMBARRASS THE MEXICAN GOVERNMENT.

7. THE EMBASSY IS REQUESTED TO GIVE THE DEPARTMENT ITS REACTION, COMMENTS AND BEST ESTIMATE OF THE LIKELIHOOD OF BIDEN'S FEARS MATERIALIZING.

8. SEN. BIDEN IS HOLDING HEARINGS OPEN FOR TWO WEEKS TO PERMIT ADDITION OF TESTIMONY BY ANY OTHER PARTIES WHO WISH TO BE INCLUDED IN THE RECORD. VANCE

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Message Attributes

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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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